REMARKS

Claims 29-70 are currently being canceled in lieu of new claims 71-111. New claims 71-111 are embodied in previous pending claims 29-37 and 39-70. Accordingly, the amendments presented herein do not introduce new matter within the meaning of 35 U.S.C. §132. As such, the Examiner is respectfully requested to enter these amendments.

1. All Rejections in the Office Action having a Mailing Date of August 7, 2009

Claims 29-70 have been canceled rendering all previous rejections in the Office Action having a mailing date of August 7, 2009 moot. Notwithstanding, Applicant responds as follows to the previous rejections in the aforementioned Office Action.

All arguments outlined in Applicant's previous response of April 30, 2009 are incorporated herein by reference in their entirety.

First and foremost, with respect to the rejections outlined in the current Office Action, Applicant respectfully traverses the same based on the fact that the Examiner has failed to demonstrate in the current Office Action *why, absent Applicant's specification*, one would have selected the parts chosen from each of the seven (7) references used in the various combinations suggested by the

Examiner in order to try and arrive at Applicant's currently claimed copolymer compositions and processes. Applicant is aware that arguing the number of references combined for a rejection under 35 U.S.C. §103(a) in and of itself is not a basis for traversing an obviousness rejection *per se;* however, this does not mean that the Examiner can arbitrarily select a disproportionate number of references to try and create a mosaic of Applicant's currently claimed process based on impermissible hindsight. In fact, the question to be asked - and answered - by the Examiner is whether one of ordinary skill in the art would have been motivated to modify the various seven cited references as suggested by the Examiner at the time of filing of Applicant's application, *without the aid of Applicant's specification as a guide.* In this regard, Applicant respectfully believes the rejections outlined in the pending Office Action fail to address this issue, and therefore should be withdrawn.

Nevertheless, as outlined in Applicant's previous response, the U.S. Supreme Court in *Graham v. John Deere Co.,* 148 U.S.P.Q. 459 (1966) held that non-obviousness was determined under §103 by (1) determining the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; (3) resolving the level of ordinary skill in the art; and, (4) inquiring as to any objective evidence of non-obviousness.

Accordingly, for the Examiner to establish a *prima facie* case

of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §2142.

Applicant is currently claiming propylene copolymer compositions comprising, in part, a propylene copolymer A) and a propylene copolymer B), wherein the resultant propylene copolymer composition further comprises a tensile E modulus ranging from about 400 MPa to about 800 MPa, and a molar mass distribution M_w/M_n ranging from 1.5 to 3.5. Additionally, the currently claimed propylene copolymer compositions are obtained by using a catalyst system comprising a metallocene compound, which results, in part, in the propylene copolymer compositions comprising a narrow molar mass distribution (i.e., M_w/M_n ranging from 1.5 to 3.5).

Alternatively, U.S. Patent 6,586,528 (herein referred to as, "Delaite, et al.") discloses the polymer compositions therein are preferably obtained via Ziegler-Natta catalyst systems. In fact, Delaite, et al. discloses on page 4, lines 34-43,

> Polymers (A) and (B) are preferably obtained by polymerization of propylene and, as the case may be, of ethylene by means of catalytic systems comprising **a solid based on titanium trichloride**, an alkylaluminum and

optionally an electron donor. (Emphasis added)

Additionally, every working example in Delaite, et al. (i.e., Examples 1 to 3) are produced using Ziegler-Natta catalyst systems. See col. 6, lines 40-49. Therefore, since Ziegler-Natta catalyst systems are known to produce polymer compositions comprising broad molar mass distributions (i.e., M_w/M_n), Applicant respectfully believes Delaite, et al. clearly does not anticipate the currently claimed propylene copolymer compositions.

Moreover, as explained in Applicant's specification on page 1, lines 15-23,

> It is known that multiphase propylene copolymers having a good impact toughness and a decreasing stiffness can be prepared by means of Ziegler-Natta catalyst systems in a multistage polymerization reaction. However, the incorporation of ethylene-propylene copolymers having a high proportion of ethylene into a polymer matrix makes the multiphase propylene copolymer turbid. Poor miscibility of the flexible phase with the polymer matrix leads to a separation of the phases and thus to turbidity and to poor transparency values of the heterogeneous copolymer. Furthermore, the ethylene-propylene rubber prepared by means of conventional Ziegler-Natta catalysts also has a very inhomogeneous composition.

Accordingly, Applicant's currently claimed propylene copolymer compositions, which are produced using a catalyst system comprising a metallocene compound, obviate the problems encountered by prior compositions produced using Ziegler-Natta catalyst systems, such as those outlined in Delaite, et al.

In particular, as outlined in Applicant's specification, compositions produced using Ziegler-Natta catalyst systems have

increased turbidity between the polymer matrix and flexible polymer phase, which leads to poor transparency values in the resultant polymer. Additionally, the ethylene-propylene rubber phase produced by a Ziegler-Natta catalyst system is very inhomogeneous, and the resultant compositions would have a broad molar mass distribution. Alternatively, Applicant's currently claimed compositions overcome the deficiencies of compositions produced using Zeigler-Natta catalyst systems, including those of Delaite, et al., by producing compositions having better transparency values, as well as a better balance of physical properties, including tensile E modulus values ranging from about 400 MPa to about 800 MPa, and a narrow molar mass distribution (i.e., a M_w/M_n ranging from 1.5 to 3.5). As such, given the explicit disclosure of Delaite, et al., Applicant respectfully believes one of ordinary skill in the art would not have been motivated to modify Delaite, et al. in an attempt to arrive at Applicant's currently claimed propylene copolymer compositions, nor would one of ordinary skill in the art expected to arrive at Applicant's currently claimed propylene copolymer compositions comprising an unexpected balance of properties, including better transparency values (i.e., low haze values) and physical properties